

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 11-CR-0195 (PJS/JJG)

Plaintiff,

v.

ORDER

MARCELA URRUTIA-ALVARADO,

Defendant.

Marcela Urrutia-Alvarado, pro se.

On January 10, 2012, the Court sentenced defendant Marcela Urrutia-Alvarado to 34 months' imprisonment and 3 years of supervised release. Urrutia-Alvarado later brought a motion to reduce her sentence because she will likely be deported and her incarceration has been hard on her young daughter. The Court denied the motion. ECF No. 37.

Urrutia-Alvarado has now filed a request for a 4-level reduction in her offense level under U.S.S.G. § 5K3.1. Section 5K3.1 provides for a 4-level departure “[u]pon motion of the Government” pursuant to a so-called “fast track” program. Urrutia-Alvarado cites no authority for the proposition that she may retroactively gain the benefits of the District’s fast-track program, which was implemented *after* her sentencing. Even if the program were retroactive, Urrutia-Alvarado is not eligible for it because she filed pretrial motions (and likely also because of her criminal history). *See* Memorandum for All United States Attorneys (Jan. 31, 2012), <http://www.justice.gov/dag/fast-track-program.pdf>. Finally, and most importantly, the government has not moved for a reduction under § 5K3.1, which is a prerequisite to the type of relief Urrutia-Alvarado is seeking.

Urrutia-Alvarado’s request for a reduction [ECF No. 38] is therefore DENIED.

Dated: November 21, 2012

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge